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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,419	03/30/2001	Cody Menard	800571	3210

7590 08/13/2004
 Scott T. Morrin
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 Palo Alto, CA 94304

EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,419

Applicant(s)

MENARD ET AL.

Examiner

Kenneth R Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/27/01; 5/20/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1 – 37 are objected to because of the following informalities:

The claims are numbered inappropriately as [c1], [c2], ... [c37]. The claims should be labeled 1, 2, ... 37.

The following language is unclear: "including **one more collectors** having at least one plug-in for extracting data" (claim 1, lines 2 – 3).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 37 are rejected under 35 U.S.C. 102(e) as being disclosed by Bowman-Amuah (U.S. Pat. No. 6,427,132) (System, Method and Article of Manufacture for Demonstrating E-Commerce Capabilities Via a Simulation on a Network).

3.1 Regarding claim 1, Bowman-Amuah discloses a system for managing business systems transactions and infrastructure, comprising:

- a collection system embedded in a client system, including one more data collectors having at least one plug-in for extracting data from client system components, and a secure client connection to a network for transmitting the extracted data from the client aggregator and communicating over the network (Figs. 1B-1, 47; col. 17, lines 10 - 18); and

- a management server including:

- a system manager for controlling the management server (Figs. 1B-1, 47),

- a secure server connection to the communication network for communicating over the network and receiving the extracted data from the client collection system (Fig. 1B-1; col. 17, lines 55 - 64),

- system manager for comparing the received extracted data with threshold values (Figs. 16A, 47; col. 56, line 60 – col. 57, line 42),

- a repository for storing a knowledge base and the extracted data (Figs. 16A, 47; col. 56, line 60 – col. 57, line 42 “proactive threshold manager”; col. 58, lines 12 - 16),

- a reasoning system for performing data analysis on the extracted data that exceed threshold values (Figs. 16A, 47; col. 56, line 60 – col. 57, line 42 “proactive threshold manager”; col. 58, lines 12 - 16),

- and a notifications manager for notifying users of abnormal conditions based on the data analysis (Figs. 16A, 47; col. 56, line 60 – col. 57, line 42 “proactive threshold manager”; col. 58, lines 12 - 16).

3.2 Per claim 2, Bowman-Amuah teaches the system of claim 1, further comprising: a client aggregator for receiving the extracted data from the data collectors; and a server aggregator for receiving the extracted data from the secure connection (Fig. 47; col. 15, lines 39 - 45).

3.3 Regarding claim 3, Bowman-Amuah discloses the system of claim 1, further comprising a corrective actions manager for activating corrective action scripts in client systems over the communication network (Fig. 15B; col. 55, lines 17 - 28; col. 56, lines 14 - 23 "resolution scripts").

3.4 Per claim 4, Bowman-Amuah teaches the system of claim 1, further comprising a graphical user interface server connected to the secure server connection to the communication network a web browser graphical user interface connected to the secure client connection to the communication network for communication with the graphical user interface server (Figs. 1B-1, 1C-1; col. 17, lines 55 - 64).

3.5 Regarding claim 5, Bowman-Amuah discloses the system of claim 1, wherein: the collection system further comprises one or more configuration clients for receiving configuration commands for configuring the client system; and the management server further comprises configuration manager for sending configuration commands to the collection system (Figs. 49, 75A).

3.6 Per claim 6, Bowman-Amuah teaches the system of claim 1, wherein the data collector plug-in is selected from group consisting of operating system plug-in, database plug-in, business process plug-in, web server plug-in, and application plug-in (col. 17, lines 10 - 29).

3.7 Regarding claim 7, Bowman-Amuah discloses the system of claim 1, wherein the secure server connection and the secure client connection to the communication network are firewalls (col. 89, lines 1 - 11; col. 91, lines 18 - 24).

3.8 Per claim 8, Bowman-Amuah teaches the system of claim 1, wherein the management server further comprises a business process manager for analyzing and tracking client business system processes based on the extracted data (col. 58, lines 50 - 67).

3.9 Regarding claim 9, Bowman-Amuah discloses the system of claim 1, wherein the management server further comprises a data processor for performing complex calculations (Fig. 2B).

3.10 Per claim 10, Bowman-Amuah teaches the system of claim 1, wherein the management server reasoning system comprises a diagnostic engine and a predictive analysis engine for analyzing the extracted data datasets and activating the notifications

manager (Fig. 15A; col. 55, lines 1 – 32 “rules based inference engine”).

3.11 Regarding claim 11, Bowman-Amuah discloses the system of claim 3, wherein the management server reasoning system comprises a diagnostic engine and a predictive analysis engine for analyzing the extracted data datasets and activating the corrective actions manager (Fig. 15A; col. 55, lines 1 – 32 “rules based inference engine”).

3.12 Per claim 12, Bowman-Amuah teaches the system of claim 1, wherein the repository is an object oriented database management system (col. 15, lines 48 - 63).

3.13 Regarding claim 13, Bowman-Amuah discloses the system of claim 1, wherein the repository is a relational database management system (Fig. 15B; col. 56, lines 50 - 51).

3.14 Per claim 14, Bowman-Amuah teaches the system of claim 1, wherein the system components from which data are extracted is selected from the group consisting of a database host operating system, a database host database management system, a database host business process, a database host hardware components, a web host operating system, a web host web server, a web host business process, a host hardware components, an application host operating system, an application host application programs, an application host business process, and an application host

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hardware components (Figs. 1B-1, 47; col. 17, lines 10 - 30).

3.15 Regarding claim 15, Bowman-Amuah discloses the system of claim 3, wherein the embedded collection system further includes corrective scripts associated with the data collectors that are activated by a server command from the corrective actions manager (Fig. 15B; col. 55, lines 17 - 28; col. 56, lines 14 - 23).

3.16 Per claim 16, Bowman-Amuah teaches the system of claim 1, wherein the communication network is the Internet (title "E-Commerce"; col. 45, lines 48 - 62).

3.17 Regarding claims 17 - 37, the rejection of claims 1 - 16 under 35 USC 102(e) (paragraphs 3.1 - 3.16 above) applies fully.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER
PRIMARY EXAMINER
